

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

FILED

MAY 30 2007

MELISSA SIMPLOT, as Mother and Next
Friend of Jasmine Simplot, a minor,

Plaintiff,

v.

THERESE LUCIETTO-SIERADZKI, M.D.,
DIANA ORTEGA, M.D., SWEDISH
AMERICAN HOSPITAL, CRUSADERS
CENTRAL CLINIC ASSOCIATION, and
FLOTILLO BRUCE WATKINS, M.D.,

Defendants.

MICHAEL W. DOBBINS, CLERK
UNITED STATES DISTRICT COURT

Case No. **07 C 5 0 1 0 4**

Formerly Case No. 07 L 116, 17th Judicial
Circuit, Winnebago County, Illinois

**NOTICE OF REMOVAL OF A CIVIL ACTION AND
SUBSTITUTION OF THE UNITED STATES AS DEFENDANT**

To: Clerk of the Court
17th Judicial Circuit, Winnebago County
400 West State Street
Rockford, Illinois 61101

Lisa A. Jensen
Faulkner & Jensen
6832 Stalter Drive
Rockford, Illinois 61108

Geoffrey L. Gifford
Pavalon, Gifford & Laatsch
2 North LaSalle Street, Suite 1600
Chicago, Illinois 60602

The United States, by its attorney, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, submits this notice of removal of the above-captioned civil action from the Circuit Court of Winnebago County, Illinois, to the United States District Court, Northern District of Illinois, pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2679, and 42 U.S.C. § 233, and in support thereof states the following:

1. On March 26, 2007, plaintiff Melissa Simplot, as Mother and Next Friend of Jasmine Simplot, a Minor, commenced the above civil action against Therese Lucietto-Sieradzki, M.D., Diana Ortega, M.D., Swedish American Hospital, Crusaders Central Clinic Association, and Flotillo Bruce Watkins, M.D., alleging medical malpractice. A copy of the state court complaint is attached as Exhibit A. For purposes of this lawsuit, Therese Lucietto-Sieradzki, M.D., was a physician for Crusaders Central Clinic Association, a private entity that receives grant money from the Public Health Service pursuant to 42 U.S.C. § 233.

2. This notice of removal is filed in accordance with 28 U.S.C. § 2679(d)(2) and 42 U.S.C. § 233 upon certification by the designee of the Attorney General of the United States that defendants Crusaders Central Clinic Association and Therese Lucietto-Sieradzki, M.D., were acting within the scope of their employment as federal government employees at the time of the incidents out of which the claim arose. Exhibit B.

3. This notice of removal may be filed without bond at any time before trial. 28 U.S.C. § 2679(d)(2). Trial has not yet been had in this action.

4. Pursuant to the certification by the Attorney General's designee and the filing of this notice of removal, under 28 U.S.C. § 2679, this civil action is deemed an action against the United States and the United States is substituted as the sole federal party defendant in place of Crusaders Central Clinic Association and Therese Lucietto-Sieradzki, M.D.

WHEREFORE, this action now pending in the Circuit Court of Winnebago County, Illinois, is properly removed to this court pursuant to 28 U.S.C. § 2679(d) and 42 U.S.C. § 233, and the United States is substituted as the defendant in lieu of Crusaders Central Clinic Association and Therese Lucietto-Sieradzki, M.D.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: Monica V. Mallory
MONICA V. MALLORY
Assistant United States Attorney
308 West State Street, Suite 300
Rockford, Illinois 61101
(815) 987-4444

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

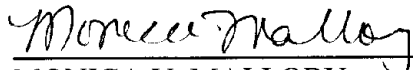
NOTICE OF REMOVAL OF A CIVIL ACTION AND SUBSTITUTION OF THE UNITED STATES AS DEFENDANT

was served on May 30, 2007, in accordance with FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers, if any, and mailed to:

Clerk of the Court
17th Judicial Circuit, Winnebago County
400 West State Street
Rockford, Illinois 61101

Lisa A. Jensen
Faulkner & Jensen
6832 Stalter Drive
Rockford, Illinois 61108

Geoffrey L. Gifford
Pavalon, Gifford & Laatsch
2 North LaSalle Street, Suite 1600
Chicago, Illinois 60602



MONICA V. MALLORY
Assistant United States Attorney
308 West State Street, Suite 300
Rockford, Illinois 61101
(815) 987-4444

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
WINNEBAGO COUNTY

CC-45

MELISSA SIMPLOT, as Mother and Next
 Friend of JASMINE SIMPLOT, a Minor,

 Plaintiff,

vs.

THERESE LUCIETTO-SIERADZKI, M.D.,
 DIANA ORTEGA, M.D., SWEDISH AMERICAN HOSPITAL,
 CRUSADERS CENTRAL CLINIC ASSOCIATION, and
 FLOTILLO BRUCE WATKINS, M.D.,

Defendants.

No. 07L116

SHERIFF OF WINNEBAGO COUNTY

SEE ATTACHMENT FOR LIST
 OF SERVICES

SUMMONS

To each defendant:

You are summoned and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court Winnebago County Courthouse building, room ,
400 W. State Street, Rockford Illinois, within 30 days after service of this summons,
 (Address) (City)
 not counting the day of service. IF YOU FAIL TO DO SO A JUDGEMENT OR DECREE BY DEFAULT MAY BE TAKEN
 AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of sevice and fees, if any, immediately after service. If service cannot be made, summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

(Seal of Court)

WITNESS

MAR 26 2007

Thomas A. Klein
 (Clerk of the Circuit Court)

By:

(Deputy)

(Plaintiff's Attorney or Plaintiff if he is not represented by an Attorney)

Name Geoffrey L. Gifford
Pavalon, Gifford & Laatsch

Attorney for Plaintiff I.D. #3018

Address 2 No. LaSalle St., Suite 1600
Chicago, Illinois 60602

City Chicago, Illinois 60602

Telephone 312-419-7400

Exhibit A

ATTACHMENT TO SUMMONS

SHERIFF OF WINNEBAGO COUNTY, PLEASE SERVE:

Swedish American Hospital
Patricia Ann Dewane, Registered Agent
1400 Charles Street
Rockford, Illinois 61104

Crusaders Central Clinic Association
Gordon Eggers, Registered Agent
1200 West State Street
Rockford, Illinois 61102

Flotillo Bruce Watkins, M.D.
2780 McFarland Road
Rockford, Illinois 61107

Therese Lucietto-Sieradzki, M.D.
314 Lincoln Highway
Rochelle, Illinois 61068

or

1200 West State Street
Rockford, Illinois 61102

FILED

Date: MAR 26 2007

STATE OF ILLINOIS)
WINNEBAGO COUNTY)

FIRM NO.: 3018

Thomas A. Klein
Clerk of the Circuit Court

By *C. J. [Signature]* Deputy
Winnebago County, IL

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO, ILLINOIS**

MELISSA SIMPLOT,
as Mother and Next Friend of
JASMINE SIMPLOT, a Minor

Plaintiff,

v.

No. 07L116

THERESE LUCIETTO-SIERADZKI, M.D.,
DIANA ORTEGA, M.D.,
SWEDISH AMERICAN HOSPITAL,
CRUSADERS CENTRAL CLINIC
ASSOCIATION, and
FLOTILLO BRUCE WATKINS, M.D.

Defendants.

JURY DEMAND

COMPLAINT AT LAW

NOW COMES Plaintiff, MELISSA SIMPLOT, as Mother and Next Friend of JASMINE SIMPLOT, a Minor, by and through her attorneys, PAVALON, GIFFORD & LAATSCH, and complaining of Defendants, THERESE LUCIETTO-SIERADZKI, M.D., DIANA ORTEGA, M.D., SWEDISH AMERICAN HOSPITAL, by and through its authorized agents and employees, CRUSADERS CENTRAL CLINIC ASSOCIATION, by and through its authorized agents and employees, and FLOTILLO BRUCE WATKINS, M.D., by and through his authorized agents and employees, states:

COUNT I - Therese Lucietto-Sieradzki, M.D.

1. On and long prior to June 14, 2003, the Defendant, THERESE LUCIETTO-SIERADZKI, M.D., held herself out to the public generally and in the community in which she

practiced in Winnebago County, Illinois, as a highly skilled, well-qualified and competent medical doctor.

2. On June 14, 2003, the Defendant, THERESE LUCIETTO-SIERADZKI, M.D., began birth delivery procedures on the Plaintiff, MELISSA SIMPLOT.

3. On June 14, 2003 and thereafter, the Defendant, THERESE LUCIETTO-SIERADZKI, M.D., carelessly and negligently:

- a. Failed to prepare for a shoulder dystocia delivery;
- b. Failed to anticipate that the baby would be macrosomic;
- c. Failed to use recognized non-traction maneuvers;
- d. Utilized inappropriate delivery techniques;
- e. Utilized excessive traction;
- f. Utilized excessive torque;
- g. Overstretched the brachial plexus nerves;
- h. Fractured both bones of the lower right arm.

4. As a direct and proximate result of one or more of the said wrongful acts and/or omissions of the Defendant, THERESE LUCIETTO-SIERADZKI, M.D., JASMINE SIMPLOT, a Minor, was caused to suffer permanent decreased use of her right arm; that as a result of her said injuries, she has suffered and with reasonable certainty will continue to suffer significant physical impairment; she has been and permanently will be hindered from attending to her usual affairs and duties; she has been and will be deprived of large earnings and profits which she might otherwise have made, and she has been and will be compelled to expend or become liable for large sums of money for the care and treatment of her said injuries.

WHEREFORE, Plaintiff, MELISSA SIMPLOT as Mother and Next Friend of JASMINE SIMPLOT, a Minor, asks for judgment against the Defendant, THERESE LUCIETTO-SIERADZKI, M.D., for a fair and reasonable amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT II - Diana Ortega, M.D.

1. On and long prior to June 14, 2003, the Defendant, DIANA ORTEGA, M.D., held herself out to the public generally and in the community in which she practiced in Winnebago County, Illinois, as a highly skilled, well-qualified and competent medical doctor.

2. On June 14, 2003, the Defendant, DIANA ORTEGA, M.D., began birth delivery procedures on the Plaintiff, MELISSA SIMPLOT.

3. On June 14, 2003 and thereafter, the Defendant, DIANA ORTEGA, M.D., carelessly and negligently:

- a. Failed to prepare for a shoulder dystocia delivery;
- b. Failed to anticipate that the baby would be macrosomic;
- c. Failed to use recognized non-traction maneuvers;
- d. Utilized inappropriate delivery techniques;
- e. Utilized excessive traction;
- f. Utilized excessive torque;
- g. Overstretched the brachial plexus nerves;
- h. Fractured both bones of the lower right arm.

4. As a direct and proximate result of one or more of the said wrongful acts and/or omissions of the Defendant, DIANA ORTEGA, M.D., JASMINE SIMPLOT, a Minor, was

caused to suffer permanent decreased use of her right arm; that as a result of her said injuries, she has suffered and with reasonable certainty will continue to suffer significant physical impairment; she has been and permanently will be hindered from attending to her usual affairs and duties; she has been and will be deprived of large earnings and profits which she might otherwise have made, and she has been and will be compelled to expend or become liable for large sums of money for the care and treatment of her said injuries.

WHEREFORE, Plaintiff, MELISSA SIMPLOT as Mother and Next Friend of JASMINE SIMPLOT, a Minor, asks for judgment against the Defendant, DIANA ORTEGA, M.D., for a fair and reasonable amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT III - Swedish American Hospital

1. On and long prior to June 14, 2003, the Defendant, SWEDISH AMERICAN HOSPITAL, held itself out to the general public as a medical provider specializing in the care and treatment of the injured, ill and infirm in the County of Winnebago, State of Illinois.

2. That at all times relevant hereto, the Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., were acting as actual and/or apparent employees, servants and/or agents of the Defendant, SWEDISH AMERICAN HOSPITAL.

3. That at all times relevant hereto, the Plaintiff, believed and relied on the fact that THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D. were in fact agents, employees and/or servants of the Defendant, SWEDISH AMERICAN HOSPITAL, while the said Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., were practicing and providing services as physicians at SWEDISH AMERICAN HOSPITAL.

4. On June 14, 2003, the Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., began birth delivery procedures on the Plaintiff, MELISSA SIMPLOT.

5. On June 14, 2003 and thereafter, the Defendant, SWEDISH AMERICAN HOSPITAL, by its agents and servants, the Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., and its other agents and servants, individually, carelessly and negligently:

- a. Failed to prepare for a shoulder dystocia delivery;
- b. Failed to anticipate that the baby would be macrosomic;
- c. Failed to use recognized non-traction maneuvers;
- d. Utilized inappropriate delivery techniques;
- e. Utilized excessive traction;
- f. Utilized excessive torque;
- g. Overstretched the brachial plexus nerves;
- h. Fractured both bones of the lower right arm.

6. As a direct and proximate result of one or more of the said wrongful acts and/or omissions of the Defendant, SWEDISH AMERICAN HOSPITAL, by its agents and servants THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., and its other agents and servants, JASMINE SIMPLOT, a Minor, was caused to suffer permanent decreased use of her right arm; that as a result of her said injuries, she has suffered and with reasonable certainty will continue to suffer significant physical impairment; she has been and permanently will be hindered from attending to her usual affairs and duties; she has been and will be deprived of large

earnings and profits which she might otherwise have made, and she has been and will be compelled to expend or become liable for large sums of money for the care and treatment of her said injuries.

WHEREFORE, Plaintiff, MELISSA SIMPLOT as Mother and Next Friend of JASMINE SIMPLOT, a Minor, asks for judgment against the Defendant, SWEDISH AMERICAN HOSPITAL, for a fair and reasonable amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT IV - Crusaders Central Clinic Association

1. On and long prior to June 14, 2003, the Defendant, CRUSADERS CENTRAL CLINIC ASSOCIATION, held itself out to the general public as a medical provider specializing in the care and treatment of the injured, ill and infirm in the County of Winnebago, State of Illinois.

2. That at all times relevant hereto, the Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., were acting as actual and/or apparent employees, servants and/or agents of the Defendant, CRUSADERS CENTRAL CLINIC ASSOCIATION.

3. That at all times relevant hereto, the Plaintiff, believed and relied on the fact that, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D. were in fact agents, employees and/or servants of the Defendant, CRUSADERS CENTRAL CLINIC ASSOCIATION, while the said Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., were practicing and providing services as physicians at CRUSADERS CENTRAL CLINIC ASSOCIATION.

4. On June 14, 2003, the Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., began birth delivery procedures on the Plaintiff, MELISSA SIMPLOT.

5. On June 14, 2003 and thereafter, the Defendant, CRUSADERS CENTRAL CLINIC ASSOCIATION, by its agents and servants, the Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., and its other agents and servants, individually, carelessly and negligently:

- a. Failed to prepare for a shoulder dystocia delivery;
- b. Failed to anticipate that the baby would be macrosomic;
- c. Failed to use recognized non-traction maneuvers;
- d. Utilized inappropriate delivery techniques;
- e. Utilized excessive traction;
- f. Utilized excessive torque;
- g. Overstretched the brachial plexus nerves;
- h. Fractured both bones of the lower right arm.

6. As a direct and proximate result of one or more of the said wrongful acts and/or omissions of the Defendant, CRUSADERS CENTRAL CLINIC ASSOCIATION, by its agents and servants THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., and its other agents and servants, JASMINE SIMPLOT, a Minor, was caused to suffer permanent decreased use of her right arm; that as a result of her said injuries, she has suffered and with reasonable certainty will continue to suffer significant physical impairment; she has been and permanently will be hindered from attending to her usual affairs and duties; she has been and will

be deprived of large earnings and profits which she might otherwise have made, and she has been and will be compelled to expend or become liable for large sums of money for the care and treatment of her said injuries.

WHEREFORE, Plaintiff, MELISSA SIMPLOT as Mother and Next Friend of JASMINE SIMPLOT, a Minor, asks for judgment against the Defendant, CRUSADERS CENTRAL CLINIC ASSOCIATION, for a fair and reasonable amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT V - Flotillo Bruce Watkins, M.D.

1. On and long prior to June 14, 2003, the Defendant, FLOTILLO BRUCE WATKINS, M.D., held himself out to the general public as a medical provider specializing in the care and treatment of the injured, ill and infirm in the County of Winnebago, State of Illinois.

2. That at all times relevant hereto, the Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., were acting as actual and/or apparent employees, servants and/or agents of the Defendant, FLOTILLO BRUCE WATKINS, M.D..

3. That at all times relevant hereto, the Plaintiff, believed and relied on the fact that, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D. were in fact agents, employees and/or servants of the Defendant, FLOTILLO BRUCE WATKINS, M.D., while the said Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., were practicing and providing services as physicians for FLOTILLO BRUCE WATKINS, M.D..

4. On June 14, 2003, the Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., began birth delivery procedures on the Plaintiff, MELISSA SIMPLOT.

5. On June 14, 2003 and thereafter, the Defendant, FLOTILLO BRUCE WATKINS, M.D., by his agents and servants, the Defendants, THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., and his other agents and servants, individually, carelessly and negligently:

- a. Failed to prepare for a shoulder dystocia delivery;
- b. Failed to anticipate that the baby would be macrosomic;
- c. Failed to use recognized non-traction maneuvers;
- d. Utilized inappropriate delivery techniques;
- e. Utilized excessive traction;
- f. Utilized excessive torque;
- g. Overstretched the brachial plexus nerves;
- h. Fractured both bones of the lower right arm.

6. As a direct and proximate result of one or more of the said wrongful acts and/or omissions of the Defendant, FLOTILLO BRUCE WATKINS, M.D., by his agents and servants THERESE LUCIETTO-SIERADZKI, M.D. and DIANA ORTEGA, M.D., and his other agents and servants, JASMINE SIMPLOT, a Minor, was caused to suffer permanent decreased use of her right arm; that as a result of her said injuries, she has suffered and with reasonable certainty will continue to suffer significant physical impairment; she has been and permanently will be hindered from attending to her usual affairs and duties; she has been and will be deprived of large earnings and profits which she might otherwise have made, and she has been and will be compelled to expend or become liable for large sums of money for the care and treatment of her said injuries.

WHEREFORE, Plaintiff, MELISSA SIMPLOT as Mother and Next Friend of JASMINE SIMPLOT, a Minor, asks for judgment against the Defendant, FLOTILLO BRUCE WATKINS, M.D., for a fair and reasonable amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

MELISSA SIMPLOT, as Mother and Next Friend
of JASMINE SIMPLOT, a Minor,
Plaintiff

BY:


GEOFFREY L. GIFFORD
One of Plaintiffs' Attorneys

PAVALON, GIFFORD, & LAATSCH
Two North LaSalle Street, Suite 1600
Chicago, IL 60602
312-419-7400
I.D. #3018

FILED

STATE OF ILLINOIS)
)
 WINNEBAGO COUNTY)

FIRM NO.: 3018

Date: MAR/26/2007

Thomas A. Klein
 Clerk of the Circuit Court
Cory Deputy
 Winnebago County, IL

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
 COUNTY OF WINNEBAGO, ILLINOIS**

MELISSA SIMPLOT,
 as Mother and Next Friend of
 JASMINE SIMPLOT, a Minor

Plaintiff,

v.

No. 07L116

THERESE LUCIETTO-SIERADZKI, M.D.,
 DIANA ORTEGA, M.D.,
 SWEDISH AMERICAN HOSPITAL,
 CRUSADERS CENTRAL CLINIC
 ASSOCIATION, and
 FLOTILLO BRUCE WATKINS, M.D.

Defendants.

JURY DEMAND

Plaintiff, MELISSA SIMPLOT, as Mother and Next Friend of JASMINE SIMPLOT, a
 Minor, hereby demands a trial by jury.

MELISSA SIMPLOT, as Mother and Next Friend
 of JASMINE SIMPLOT, a Minor,
 Plaintiff

BY:

Geoffrey L. Gifford
 GEOFFREY L. GIFFORD
 One of Plaintiffs' Attorneys

PAVALON, GIFFORD, & LAATSCH
 Two North LaSalle Street, Suite 1600
 Chicago, IL 60602
 312-419-7400
 L.D. #3018

FILEDDate: **MAR 26 2007**

STATE OF ILLINOIS)
)
 WINNEBAGO COUNTY)

FIRM NO.: 3018

Marshall A. Klein
 Clerk of the Circuit Court

By *Coy* Deputy
 Winnebago County, IL

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
 COUNTY OF WINNEBAGO, ILLINOIS**

MELISSA SIMPLOT,
 as Mother and Next Friend of
 JASMINE SIMPLOT, a Minor

Plaintiff,

v.

No. 07L116

THERESE LUCIETTO-SIERADZKI, M.D.,
 DIANA ORTEGA, M.D.,
 SWEDISH AMERICAN HOSPITAL,
 CRUSADERS CENTRAL CLINIC
 ASSOCIATION, and
 FLOTILLO BRUCE WATKINS, M.D.

Defendants.

SUPREME COURT RULE 222 AFFIDAVIT

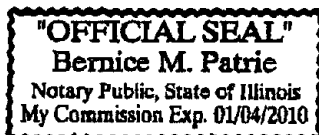
The undersigned, GEOFFREY L. GIFFORD, having been duly sworn on oath, deposes and states that as of this date the total money damages sought in the above-captioned matter exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

Geoffrey L. Gifford
 GEOFFREY L. GIFFORD

One of Plaintiff's Attorneys

SUBSCRIBED AND SWORN to before
 me this 22nd day of March, 2007.

Bernice M. Patrie
 NOTARY PUBLIC



FILEDDate: MAR 26 2007

STATE OF ILLINOIS)
)
 WINNEBAGO COUNTY)

FIRM NO.: 3018

Thomas A. Klein
 Clerk of the Circuit Court

By *C. Gray* Deputy
 Winnebago County, IL

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
 COUNTY OF WINNEBAGO, ILLINOIS**

MELISSA SIMPLOT,
 as Mother and Next Friend of
 JASMINE SIMPLOT, a Minor

Plaintiff,

v.

No. 07L116

THERESE LUCIETTO-SIERADZKI, M.D.,
 DIANA ORTEGA, M.D.,
 SWEDISH AMERICAN HOSPITAL,
 CRUSADERS CENTRAL CLINIC
 ASSOCIATION, and
 FLOTILLO BRUCE WATKINS, M.D.

Defendants.

AFFIDAVIT OF PLAINTIFF'S ATTORNEY

GEOFFREY L. GIFFORD, being first duly sworn on oath, states:

1. That Affiant is the attorney for the Plaintiff.
2. That the Affiant has consulted and reviewed the facts of this case with a health professional who the affiant reasonably believes:
 - (i) is knowledgeable in the relevant issues involved in this particular action;
 - (ii) practices or has practiced within the last 6 years or teaches or has taught within the last 6 years in the same area of health care or medicine that is at issue in this particular action; and
 - (iii) is qualified by experience or demonstrated competence in the subject of the case.

3. That the reviewing health professional has determined in a written report, after a review of the medical records and other relevant material involved in this particular action that there is a reasonable and meritorious cause for filing of such action.

4. That Affiant has concluded on the basis of the reviewing health professional's review and consultation that there is a reasonable and meritorious cause for filing of such action.

5. That the reviewing health professional is a physician licenced to practice medicine in all its branches.

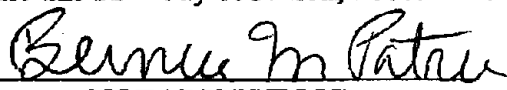
6. That a copy of the written report, clearly identifying the defendant and the reasons for the reviewing health professional's determination that a reasonable and meritorious cause for the filing of the action exists, is attached to this affidavit.

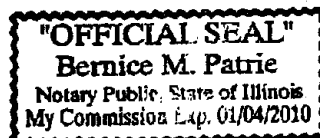
FURTHER AFFIANT SAYETH NOT.

BY:


GEOFFREY L. GIFFORD
One of Plaintiffs' Attorneys

SUBSCRIBED AND SWORN to before
me this 22nd day of March, 2007.


NOTARY PUBLIC



JON MICHAEL HAZEN, M.D., F.A.C.O.G., F.A.C.S.

Prenatal and Obstetrics
Gynecology and Surgery
Laser and Mitotubal Surgery
Female Urology and Surgery

OFFICE LOCATIONS
2040 W. Charleston Blvd., Ste. 200, Las Vegas, NV 89102
(702) 671-2310 Fax (702) 671-2333
1707 W. Charleston Blvd., Ste. 100, Las Vegas, NV 89102
(702) 671-5140 Fax (702) 385-2745
2231 W. Charleston Blvd., 2nd Floor, Las Vegas, NV 89102
(702) 383-2403 Fax (702) 383-1837

Operative Hysteroscopy
Endometrial Ablation
Laparoscopic Hysterectomy
Female Endocrinology

February 2, 2007

Geoffrey L. Gifford
Pavalon, Gifford & Laatsch
Two N. LaSalle St., Suite 1600
Chicago, IL 60602

Re: Simplot v. Swedish Hospital

Dear Mr. Gifford:

I have reviewed the records referred to my office regarding the above indicated case. Ms. Simplot was a 22-year-old patient, pregnant for the fifth time, having delivered one previous baby and three abortions. She was 5'2" tall, entered pregnancy at 193 pounds, and came to the hospital at 213 pounds. Her due date was June 20, 2003. The patient was a gestational diabetic (on insulin), with poor glucose control ranging from 79-230 mg%.

She came to Swedish Hospital on June 14, 2003 at 2145. She was 3 cm dilated, in early labor. No evidence of estimated fetal size or ultrasound is noted in the record since one month prior to admission. The patient progressed to delivery of the fetal vertex (0045) on the 15th. Multiple maneuvers were used to deliver an impacted shoulder. The patient was placed in McRobert's position, suprapubic pressure was administered and a "Wood's corkscrew" maneuver was attempted. The patient was repositioned on her hands and knees and additional attempts at reduction of the anterior and posterior shoulders were done. The baby was described as having the left arm twisted, supinated and wedged towards the back of the baby. The right arm was described as pronated and at the lateral side of the baby. The physician could not reduce the left arm with two separate attempts. The right arm was finally reduced after forced supination and the baby was delivered.

The newborn was an 8 pound 12 ounce female with Apgars of 6 and 8. The delivering physician was Dr. Teresa Lucietto-Sieradzki. The Resident assisting was Dr. Siana Ortega.

The baby was described as having decreased right arm movement with excessive bruising of the right arm, shoulder, chest and antecubital space. The right forearm was bruised and x-rays

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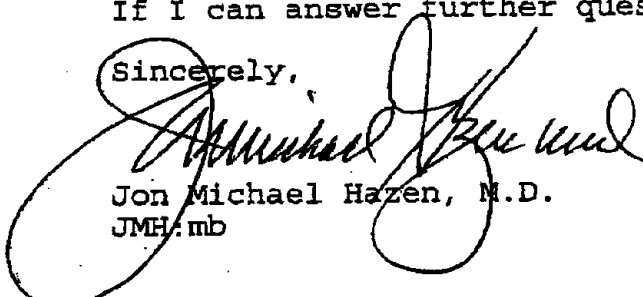
revealed fractures of the proximal ulna and the proximal radius. The baby was discharged home with the right arm splinted to the chest, for follow-up management.

On May 11, 2005, the youngster was evaluated (18 months) by Dr. Geddes. He described a right brachial plexus injury and decreased use of the right arm. There was weak biceps with only slight flexion, atrophy in the shoulder and slight scapular "winging".

This patient was a known obese diabetic, poorly controlled on her insulin. Both characteristics are suggestive of macrosomic babies and shoulder dystocia. Preparation should have been made for a "shoulder dystocia" delivery. Recognized, non-traction maneuvers should have been utilized to release the shoulder without causing injury to the brachial plexus and fractures to the forearm. This baby was delivered by unorthodox, traumatic maneuvers resulting in over stretching of the brachial plexus nerves, excessive bruising, and fracture of both bones of the lower right arm. This youngster's injuries are the direct result of inappropriate delivery techniques, utilizing excessive traction and/or torque. These maneuvers are unacceptable and well below the Standards of Care for physicians providing obstetric care to patients.

If I can answer further questions, please contact me.

Sincerely,



Jon Michael Hazen, M.D.
JMH:mb

CERTIFICATION

Pursuant to the provisions of 42 U.S.C. § 233, and by virtue of the authority delegated to me by the Attorney General under 28 C.F.R. § 15.4 and through the United States Attorney for the Northern District of Illinois, I hereby certify that I have read the complaint in *Melissa Simplot, as Mother and Next Friend of Jasmine Simplot, a Minor v. Therese Lucietto-Sieradzki, M.D., et al.*, No. 07 L 116 (Circuit Court of the 17th Judicial Circuit, Winnebago County, Illinois), and all attachments thereto. On the basis of the information now available, I find that at the relevant times, the Crusader Clinic (named in the complaint as "Crusaders Central Clinic Association") was a private entity receiving grant money from the Public Health Service pursuant to 42 U.S.C. § 233. Further, I certify that Therese Lucietto-Sieradzki, M.D., was acting within the scope of her employment at the Crusader Clinic with respect to the incidents referred to in the complaint. Accordingly, for purposes of the above case, the Crusader Clinic and Therese Lucietto-Sieradzki, M.D., are deemed to be employees of the United States pursuant to 42 U.S.C. § 233, for Federal Tort Claims Act purposes only.



THOMAS P. WALSH
Chief, Civil Division
Office of the United States Attorney
for the Northern District of Illinois

Date: May 25, 2007

Exhibit B